

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/NL2005/000113

International filing date (day/month/year)
17.02.2005

Priority date (day/month/year)
01.03.2004

International Patent Classification (IPC) or both national classification and IPC
E03F1/00, C02F1/72, E03F7/00

Applicant
INTELLIGENT ENVIRONMENTAL SYSTEMS B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/NL2005/000113

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/NL2005/000113

1. Reference is made to the following documents:

D1 : DE 24 00 602 A1
D2 : DE 26 29 301 A1
D3 : Patent Abstracts of Japan vol. 017, no. 282 related to JP 05 009972 A
D4 : DE 35 20 359 A1
D5 : EP 0 719 732 A
D6 : FR 2 794 482 A
D7 : Patent Abstracts of Japan vol. 2000, no. 25 related to JP 2001 219183 A
D8 : CH 611 368 A5
D9 : US-A-4 196 074
D10: DE 202 08 446 U1

Re Item V.

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claims **1** and **6** is not new in the sense of Article 33(2) PCT.
- 2.1 Document **D1** discloses (the references in parentheses applying to this document) in figure 1 and the corresponding parts of the description a sewage system for draining waste water from a number of users to at least one discharge point. The sewage system comprises a pipe system 2 and pits 22 incorporated therein, whereby means ("Injektorrohr" 16) for periodically (cf. "Ausführungsbeispiel: pump 5 is energized for 2 minutes and 50 seconds; during pumping, oxygen is added to the waste water) introducing oxygen into the waste water are provided at a number of locations in the sewage system (cf. page 8, last two lines). **D1** also discloses a method of operating such a sewage system for draining waste water whereby oxygen is artificially and periodically added to the waste water (cf. "Ausführungsbeispiel").
- 2.2 The documents **D2 - D8** disclose further sewage systems and methods of operating these systems with the features enumerated above.
- 2.3 Thus, the method of operating a sewage system according to claim **1** and the sewage system as such according to claim **6** are already known from either of documents **D1 - D8** and therefore cannot be considered to be novel.
3. The present application does not meet the requirements of Article 33(1) PCT as dependent

claims 2 - 5 and 7 - 11 do not appear to contain novel and inventive subject-matter because a combination of the features set out in these claims with the features of the independent claim to which they refer is either already known from the prior art or is only a minor modification thereof.

A person skilled in the art would employ them, if required, on the basis of his expert knowledge even if they are not explicitly disclosed in or directly rendered obvious by the cited state of the art (see documents **D1** - **D10**).

4. The subject-matter of claims 1 - 11 is industrially applicable and thus fulfill the requirements of Article 33(4) PCT.

Re Item VII.

- 5.1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents **D1** - **D8** is not mentioned in the description, nor are these documents identified therein.
- 5.2 Contrary to the requirements of Rule 6.2(b) PCT, the features of the claims are not provided with reference signs placed in parentheses.

Re Item VIII.

6. The application does not meet the requirements of Article 6 PCT, because claims 5 and 8 are not clear.
 - 6.1 Claim 5 does not contain any specific feature of the claimed method since the dependency of the air blowing parameters on the sewage system parameters remains undefined. Thus, it is not clear which parameters of the air pump depend on which sewage system parameters.
 - 6.2 The term "**said** air pumps" used in claim 8 lacks an antecedent since air pumps are first mentioned in claim 7, but claim 8 refers directly to claim 6.
7. The English translation is not entirely corresponding to the originally filed Dutch application: page 1 of the description, lines 25 and 26 of the Dutch application was omitted.